19

Department of

OFFICE

STATION

mis No. 586.

Dated 19-2-52

To whom sent		Date	Initial
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	Signed		
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Pages in the file	To be destroyed on*		

(SUBJECT.)

Sinb (Kanara) S. anara Sub

Y. A No. 4731 in Land Acqn

Compensation. Payment to the

Examiner of Kurchmatore Land

Further action in

* Not to be filled in in the case of permanent records.

Ref.B.3-4256-31. South Kanara Collector's Office

Mangalore, dated 7th February

From

Khan Bahadur J. Hussain, Bar-at-law,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue and Settlement,

Madras.

Sir,

Land Acquisition - Udipi Taluk and Town - Bhaliswar Mutt lane widening - Reference to Court under section 31 (2) of the Land Acquisition Act - Sub-Court's order - Report submitted.

In this case, the person interested in the land notified for acquisition is the Swamier for the time being of the Krishnapur Mutt, Udipi. As he is not competent to alienate the land, the amount of compensation payable to him was deposited in court by the Revenue Divisional Officer, Coondapoor who is the Land Acquisition Officer in the case. According to the instruction in the Land Acquisition Manual the Government Pleader, Mangalore was asked on receipt of the Court's notice, to attend the Court, watch proceedings and report the result in due course. The reference was disposed of by the Sub-Judge of South Kanara, Mangalore in August last and I received a copy of the order from the Revenue Divisional Officer, Coondapoor in December. As I found that the Sub-Court's order was not in conformity with the provisions of section 32 of the Act, I asked the Government Pleader, Mangalor to bring the matter to the notice of the court. The Government Pleader states that the order of the court has become final and cannot now be amended at this stage. He is further of opinion that the order cannot be said to be altogether wrong or that it is capable of being construed as coming within the scope of section 32 (c) of the Land Acquisition Act, as the

order directs the Swamier to give an undertaking to invest the amount in the name of the Mutt as a safeguard for the payment of the amount. It seems to me that this is not the correct view because apart from the question that the investment is not to be made by the Swamier, the undertaking itself cannot be enforced. I solicit Board's orders. I enclose copies of the reference made to the Sub-Court and the Court's order.

For Collector.

8.2.32

In the Court of the Subordinate Judge of South Kanara.

Reference made under section 31 (2) of Act I of 1894.

By whom referred: N.S.Arunachalam Esq., M.A.,I.C.S., Sub-Collector and L.A.Officer.

Village: Mudanidambur in Udipi Taluk.

No. and date of reference: Ref.L.A.C.No.4 of 1930 dated 1-6-31.

Serial Number of award No.1 dated 1-6-1931.

Particulars of land acquired:	S.F.No.120-28B	; 120-35B
	Nature: Garden	; Garden.
	Extent: 689 Sq.links.	720 Sq.links
Particulars of trees, buildings wells etc.	nil.	nil.
Particulars of compensation awarded:	Rs.23-12-4	Rs. 24-13-5

Date of possession under the Act: Revenue Inspector of Udipi firka has been directed to take possession on 10-6-31.

Nature of person interested: (1) Vidyapurnathirth Swamier, for the time being, Swamier of Krishnaput Mutt, Udipi Town.

Description and address: (2) Collector of South Kanara.

Reasons for reference:

The person interested in this case is Vidyapurna Thirtha Swamier for the time being Swami of Krishnapur Mutt. He did not appear in person or by agent before me during the enquiry under section 11, though notice was properly served under section 9 of the same Act.

The compensation including the 15% referred in section 23 (2) has been fixed at 48-9-9 but as the property belongs to the Mutt and the person interested is only the Swamier for the time, the amount cannot be disbursed to him under section 3 (g) (iv) of the Act. The amount is, therefore, deposited in court under section 31 (2) of the Act. The cheque for the amount is being sent herewith.

Schedule of information under clause 2 of sec.31 giving particulars of statements made in writing:

From whom	:	Vidyapurnathirtha Swamier, for the time being Swamier of Krishnapur Mutt, Udipi
Date of statement	:	20th August 1930.
Date of receipt	:	20-8-1930.

Abstract of statement : The plots proposed to be acquired are necessary for the safety of the buildings on the adjoining land. They are also valuable. The Mutt is not prepared to part with the lands proposed to be acquired.

Sd/- N.S. Arunachalam,
1-6-1931,
Sub-Collector & L.A.Officer.

(True copy)

Sd/- U. Kumarayya,
2-6-31,
For Sub-Collector.

Copy to the Collector of South Kanara.

8-2-32

In the court of the Subordinate Judge of South Kanara.

Friday the 28th day of August 1931.

Present: M.R.Ry. V.Kunhi Raman Nair, Avl., B.A., B.L.

Land Acquisition Case No.4 of 1931.

(L.A.C.No.4/30 on the file of the Sub-Collector, Coondapoor)

Between:-

The Sub-Collector, Coondapoor: Land Acquisition Officer.

and

Vidyapurna Thirtha Swamier of Krishnapur Mutt: Claiment.

This is a reference under section 30 of the Land Acquisition Act for determination of the right of the claimant to receive the compensation amount awarded in respect of S.F. Nos. 120/28B and 120/35B of Mudanidambur village, Udipi Taluk.

This reference coming on this day for hearing after notice to the Government Pleader and the Claimant, upon perusing the grounds of the reference, the award of the Land Acquisition Officer and other materials papers in the case and the Government not opposing and the respondent being absent, the court passed the following

ORDER.

The amount is payable to a Mutt. The Swamier of the Mutt is not a person competent to alienate the Mutt property. Hence the amount of Rs. 48-9-9, payable to the Mutt will be paid over to the Swamier of the Mutt on condition of his undertaking to invest the same in the name of the Mutt. Ordered accordingly.

Pronounced in open court this 28th day of August 1931.

Sd/- V.Kunhi Raman Nair,
Subordinate Judge,

(True copy)

Sd/- x x x
For Sub-Collector.

8.2.32

R. F. XXM-A-19—80,004—2-2-31

Subject

FOR MEMBER.

Suits (S. Kamara) — ~~Hussainabad~~ Compensation Payment to the Swamies of Krishnapur mutt. Further Act. ~~Land~~ Lease agt. — ~~Land~~ A.C. No. 4 of ~~Hussainabad~~ — L.A.

READ AGAIN B. P. No. _____, dated _____ 193

" " " _____, " _____ 193

READ ALSO :—

Register No. _____. From the _____, No. A 52 3/32, dated _____ 193

" " _____, " " _____, _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION. (Rs.) No. 586, dated 19-2- 193

The Board ~~Considers~~ that there is nothing in the order of the Subordinate Judge ~~regarding~~ provisions in regard to the Land Acquisition Act and ~~considers~~ that no ~~Interaction~~ is necessary in the matter.

19.2.32

19.2.1932

Saits (S. Kanara) Sub Court.. A. C No. 4/31. Udupi TK & Town - L. A. Payment of Compensation in the Case of a minor

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A 523/32

To Ao (Selt)

Ref is invited to Sub sections (2) and (3) of Section 31 of the Land Acquisition Act. The Land Acquisition Officer is to of depositing the amount in Court under § 31(2) and making a reference under § 18, could have acted with Caution & Got under § 31(3)? The order of the Court as noted by the Local IP Counsel. he said to be altogether wrong as it is capable of being Construed to be within Scope of § 32(a)..

The order of the Court is dated 28.8.31. The time for filing a revision petition

p 18 of the L. A. Manual.

This point does not arise in this Case. Ker 16.2.32

Amount involved also is small (Rs 48·9·9) — No claim is therefore necessary the Coll may be informed accordingly

The Court may be said to have acted under sec 32(a) of the Act. No further action is necessary The Coll. may be informed so.

16.2.32

S

Yes. I think so, tho'

Atty

I don't see any objection to the